

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONNIE CHEROKEE BROWN,

Plaintiff,

v.

A. REILLY, et al.,

Defendants.

No. 2:20-cv-1709 WBS AC P

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. After defendants notified the court that the California Department of Corrections and Rehabilitation (CDCR) would potentially be unable to transport plaintiff to appear at the trial readiness conference due to his mental health status, the conference was vacated and defendants were directed to provide an update on plaintiff's status once his condition was re-evaluated. ECF No. 156. Defendants have now provided the required status report, which represents that plaintiff is currently stable enough to attend court proceedings by Zoom and be transported to court for trial on February 13, 2024. ECF No. 158. However, plaintiff has recently represented to his correctional counselor that he has retained an attorney in this case, and the Kings County Superior Court has issued an order for plaintiff's appearance in a criminal matter on February 13, 2024. Id. In light of this current status, the trial readiness conference will now be re-set and the February 13, 2024 trial date will be vacated.

1 The trial readiness conference will take place via Zoom and the parties should be prepared  
2 to discuss their availability for trial. A new deadline for exchanging trial exhibits will be set once  
3 a trial date has been set. A hearing to make an individualized determination regarding the need  
4 for plaintiff to be shackled before the jury will also be held at the same date and time as the trial  
5 readiness conference, and defendants' request that their witnesses be permitted to appear by  
6 Zoom will be granted.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The February 13, 2024 trial date is VACATED.
- 9 2. The writs of habeas corpus ad testificandum for the appearance of plaintiff and his  
10 witness Jeffery Thompson, CDCR #AU-9203, at trial on February 13, 2024 (ECF Nos. 149, 150),  
11 are VACATED.
- 12 3. A trial readiness conference is set for February 8, 2024, at 10:00 a.m. before  
13 Magistrate Judge Allison Claire via Zoom. The parties should be prepared to discuss their  
14 availability for trial.
- 15 4. The court will conduct an individualized determination regarding the need for plaintiff  
16 to be shackled before the jury at the same time as the February 8, 2024 trial readiness conference.  
17 Defendants' request for their witnesses to appear by Zoom (ECF No. 157) is GRANTED.
- 18 5. The Clerk of the Court is directed to update plaintiff's address of record to California  
19 Health Care Facility, P.O. Box 213040, Stockton, CA 95213.
- 20 6. The Clerk of the Court is directed to serve a copy of this order on the Warden of Kern  
21 Valley State Prison, P.O. Box 3130, Delano, California 93216; the Warden of California State  
22 Prison-Sacramento, P.O. Box 290002, Represa, California 95671; and on the Out-To-Court Desk,  
23 California State Prison-Sacramento.

24 DATED: January 25, 2024

25   
26 ALLISON CLAIRE  
27 UNITED STATES MAGISTRATE JUDGE  
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